

SUMMARY REPORT OF INVESTIGATION¹**I. EXECUTIVE SUMMARY**

Date of Incident:	September 5, 2017
Time of Incident:	10:34 p.m.
Location of Incident:	XXXX S. Kenneth Ave. Chicago, Illinois XXXXX
Date of COPA Notification:	September 6, 2017
Time of COPA Notification:	7:40 a.m.

On September 5, 2017, at approximately 10:34 p.m., Complainant Involved Civilian 1 (“Involved Civilian 1”) and three other individuals fled from a traffic stop involving a stolen vehicle. Involved Civilian 1 ran and hid in a residential yard located at XXXX S. Kenneth Avenue. Involved Civilian 1 alleges that the, “male, white, short, Sergeant,” who found him in the yard, struck and kicked him about the face and placed his knee on his head while he was on the ground. The Crime Prevention and Information Center (“CPIC”) notified the Civilian Office of Police Accountability (“COPA”) of the allegations. After conducting an initial investigation, COPA sought and was granted an affidavit override to pursue an investigation into these allegations. Based on the evidence gathered, COPA served allegations against Sergeant A #XXX (“Sergeant A”), who is listed as the arresting sergeant in the Arrest Report. After a thorough investigation of the allegations against Sergeant A, COPA recommends they be Unfounded.

II. INVOLVED PARTIES

Involved Officer #1:	Sergeant A, Star #XXX, Employee ID XXXXX, DOA:X/XX/80, Rank: Sergeant, Unit of Assignment: XXX, Male, Hispanic.
Involved Individual #1:	Involved Civilian 1, DOB XX/XX/2001, Male, Black.

III. ALLEGATIONS

Officer	Allegation	Finding
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¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

Sergeant A	<p>1. It is alleged by Involved Civilian 1 that on or about September 5, 2017, near the vicinity of XXXX S. Kenneth Ave. Chicago, Illinois XXXXX at approximately 10:34 p.m., Sergeant A used excessive force by striking Involved Civilian 1 about the head in violation of Rule 8.</p> <p>2. It is alleged by Involved Civilian 1 that on or about September 2, 2017, near the vicinity of XXXX S. Kenneth Ave. Chicago, Illinois XXXXX at approximately 10:34 p.m., Sergeant A used excessive force by kicking Involved Civilian 1 about the face in violation of Rule 8.</p> <p>3. It is alleged by Involved Civilian 1 that on or about September 5, 2017, near the vicinity of XXXX S. Kenneth Ave, Chicago, Illinois XXXXX at approximately 10:34 p.m., Sergeant A used excessive force by placing his knee on Involved Civilian 1's head while he was on the ground in violation of Rule 8.</p>	Unfounded
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IV. APPLICABLE RULES AND LAWS

Rules

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

V. INVESTIGATION²

a. Interviews^{3,4}

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ After several failed attempts to contact Involved Civilian 1 and his guardians, grandmother Involved Civilian 2 and father Involved Civilian 1, COPA sought and was granted an affidavit override to continue with the investigation. See Attachment 21.

⁴ COPA interviewed Officer A #XXXXXX (second transport officer transporting Involved Civilian 1) Attachment 34, Officer B #XXXX (arresting officer of co-arrestee located at XXXX S. Kenneth Avenue) Attachment 48, and Officer C #XXXXX (assisting officer) Attachment 46, the three officers did not recall the event. COPA also interviewed Officer G #XXXXX (assisting officer at XXXX S. Kostner Avenue) Attachment 60, he did not see or have knowledge of Involved Civilian 1's arrest.

COPA conducted accused **Sergeant A's #XXX** ("Sergeant A") audio statement on July 12, 2018.⁵ Sergeant A stated that he is a 5'9, 155lbs, Hispanic male with tan skin and tattooed sleeve arms. Sergeant A stated that on September 5, 2017, he was on-duty working as a Summer Mobile Sergeant. Sergeant A stated he was wearing a short sleeved white shirt and dark pants. Sergeant A stated that within the Chicago Police Department, Sergeants and higher-ranking officers wear white shirts as part of the standard uniform. Sergeant A further stated he was not wearing a Body Worn Camera ("BWC") because the Summer Mobile Unit is not assigned BWC's. Sergeant A stated he was working with Lieutenant A who is a 5'2, white, male, who was wearing a white shirt and dark pants. Sergeant A stated that on September 5, 2017, he attempted to curb a vehicle matching the description of a vehicle involved in a gang related shooting. Sergeant A stated the vehicle traveled westbound in a north alley near Kostner and Ogden Ave. Sergeant A stated several occupants inside the vehicle fled westbound as the vehicle was still in drive.

Sergeant A stated he radioed the descriptions of the fleeing individuals and requested assisting units to block the streets from Ogden to XXst Street and Kostner Avenue to Kenneth Avenue to enclose the individuals. Sergeant A stated he then entered the moving vehicle to put it in park. Sergeant A stated assisting units arrived and the individuals were eventually placed in custody in different locations. Sergeant A stated that Involved Civilian 1 was one of the individuals placed in custody. Sergeant A stated he came into contact with Involved Civilian 1 after he was placed in custody. Sergeant A stated an officer yelled to him, "hey Sarge, we have him in custody,"⁶ and walked Involved Civilian 1 halfway through the front yard of the residence. Sergeant A stated that at that time he took hold of Involved Civilian 1 and walked him to the transport vehicle to be transported to the XXth District. Sergeant A stated that Involved Civilian 1 was not resisting, did not complain of pain, and did not tell him he had been hit. Sergeant A stated he went to the police station and approved the reports regarding Involved Civilian 1. Sergeant A stated he did not personally write the Arrest Report. Sergeant A stated that he relayed facts of the incident to Officer C #XXXXXX, who then wrote the Arrest Report. Sergeant A stated that at the station he never became aware that Involved Civilian 1 was in pain or requested to go to the hospital. Sergeant A stated he did not see any bruises on Involved Civilian 1. Sergeant A stated that he at no point struck Involved Civilian 1 about the head, kicked him about the face, or placed his knee on Involved Civilian 1's head. Sergeant A stated he did not see any officers take those actions against Involved Civilian 1. Sergeant A further added that Involved Civilian 1 accused a white Sergeant and he is Mexican. Sergeant A stated his arms are tattooed and that is a feature that would be noticeable in a short-sleeved shirt. Sergeant A stated that Lieutenant A was never present on Kenneth Avenue because he stayed on Kostner Avenue securing the stolen vehicle. Sergeant A stated that in his experience civilians often mistake the rank of an officer based on the uniformed white shirt.

COPA conducted witness **Lieutenant A's #XXX** ("Lieutenant A") audio statement on August 22, 2018.⁷ Lieutenant A stated he is a male, white, approximately 5'0 feet tall and 215 lbs. Lieutenant A stated that on September 5, 2017, he was assigned to the XXth District detailed from the Summer Mobile Unit. Lieutenant A stated he was working with his partner, Sergeant

⁵ Attachments 24, 25

⁶ Attachment 25 at 3:46

⁷ Attachment 41

A. Lieutenant A stated he was dressed in uniform wearing a white shirt with bars indicating his rank, pants, and vest. Lieutenant A stated that other than himself, Sergeant A was also wearing a white shirt. Lieutenant A stated he was not assigned BWC on that night. Lieutenant A stated that on September 5, 2017, a call came over the radio regarding a stolen vehicle. Lieutenant A stated he and Sergeant A followed the vehicle and observed it crash into a pole near Ogden and Kostner Ave. Lieutenant A stated he observed approximately four occupants run out of the vehicle. Lieutenant A stated he captured one of the offenders on scene and stayed with him. Lieutenant A stated the offender was a young black male seated in the rear passenger's side. After being shown a picture of Involved Civilian 1, Lieutenant A stated Involved Civilian 1 was not the offender he captured, Lieutenant A recalled the offender being smaller than Involved Civilian 1. Lieutenant A stated the other three offenders ran north and westbound. Lieutenant A stated Sergeant A chased after one of the offenders out of his view. Lieutenant A stated the next time he saw Sergeant A was almost an hour later. Lieutenant A stated responding units came to the scene to assist. Lieutenant A stated he did not recall seeing any other officers in white shirts. Lieutenant A stated the other offenders were eventually captured within a two-block radius. Lieutenant A stated Sergeant A told him he caught one of the offenders and a transport car was taking the offender to the district. Lieutenant A stated he never came into contact with Involved Civilian 1. Lieutenant A stated Involved Civilian 1's arrest was conducted on Kenneth Avenue and he stayed on Kostner Avenue with the other offenders.

COPA conducted **Sergeant B's #XXXX** ("Sergeant B") audio statement on August 29, 2018.⁸ Sergeant B stated that he was present for the arrests conducted near XXXX S. Kostner Avenue and was not present on Kenneth Avenue for Involved Civilian 1's arrest. Sergeant B stated that after looking at the Arrest Report he can see that Sergeant A is listed as the arresting officer for Involved Civilian 1. Sergeant B stated that the description of a male, short, white, officer in a white shirt matched the description of Lieutenant A. Sergeant B stated he recalled Lieutenant A was present on Kostner Avenue with him and recalled having a conversation with him. Sergeant B could not say for certain whether Lieutenant A ever went to Kenneth Avenue.

COPA conducted **Sergeant C's #XXXX** ("Sergeant C") audio statement on August 28, 2018.⁹ Sergeant C stated that on September 6, 2017, he took Involved Civilian 1's complaint on his Body Worn Camera ("BWC") at Hospital. Sergeant C stated Involved Civilian 1 relayed he ran from a stolen vehicle and that a sergeant found him and punched him in the right temple with a closed fist. After being shown his BWC, Sergeant C acknowledged that at approximately the ten-minute mark, he told Involved Civilian 1 he knew exactly who arrested him. Sergeant C stated he was referring to the arresting sergeant, Sergeant A. Sergeant C stated he did not remember how he knew on September 6, 2017, that Sergeant A arrested Involved Civilian 1. Sergeant C stated he did not recall if he spoke to a detective on the matter or if he looked up the arrest.

COPA conducted witness transport officer E's #XXXXXX ("Officer E") audio statement on August 23, 2018.¹⁰ Officer E stated that on September 5, 2017, he was on duty working on the Summer Mobile Unit. Officer E stated he was dressed in uniform wearing a blue shirt.

⁸ Attachment 45

⁹ Attachment 42

¹⁰ Attachment 43

Officer E stated he was not wearing BWC because the Summer Mobile Unit is not provided BWC. Officer E stated that on that day he was working with Officer A #XXXXX. Officer E stated that on September 5, 2017, he was present at the location of XXXX S. Kenneth Avenue responding to a flash message regarding a stolen vehicle where young individuals fled from the vehicle. Officer E stated he recalled hearing on the radio that an individual was arrested near a residential yard area. Officer E stated that when he arrived at that location, he observed an officer with an individual. Officer E stated he was not sure whether it was Involved Civilian 1 or one of the other three offenders. Officer E stated the officer came out with the offender and asked him if his vehicle was equipped for transport. Officer E stated he replied yes and the offender was placed in his vehicle. Officer E stated he only recalled there being one officer holding the offender. Officer E stated the officer was holding the handcuffed offender by the arm. Officer E stated he does not recall the officer and did not know the officer because he had never seen the officer before. Officer E stated he did not believe the officer was wearing a white shirt. Officer E stated that at that point he did not see any bruises on the offender and he was not complaining of pain. Officer E stated that once in his vehicle, the offender was quiet, did not complain of pain, or request to go to the hospital. Officer E stated the offender did not say anything about being hurt by an officer. Officer E stated that the offender's demeanor was low and one of guilt. Officer E stated he did not recall if he then transported the offender to the XXth District or whether he took the offender to Sergeant A to be positively identified. Officer E stated that other than Sergeant A, he did not see another officer in a white shirt on scene. Officer E stated that including him and his partner, there were two other officers present.

COPA conducted witness Officer F's #XXXX ("Officer F") audio statement on September 10, 2018.¹¹ Officer F described himself as a male, white, 6'0 feet tall, weighing 260 lbs. Officer F stated that on September 5, 2017, his title was police officer and he was wearing a blue Chicago Police Department officer shirt. Officer F stated he was working with Officer B #XXXX. Officer F stated he was not wearing a BWC because he was detailed to the Summer Mobile Unit and he had not been assigned BWC. Officer F stated that on September 5, 2017, at approximately 10:34 p.m., he responded to a flash message of subjects fleeing from a vehicle. Officer F stated he assisted in setting up a systematic search by going yard to yard looking for the subjects that fled from the vehicle. Officer F stated that when he arrived at XXXX S. Kenneth Avenue, he entered a yard which was overgrown with vegetation. Officer F stated two subjects were hiding in the weeds. Officer F stated one of the subjects was wearing a red hoodie and the other was wearing a blue hoodie. Officer F stated the subject in the red hoodie jumped up attempting to flee while the subject in the blue hoodie lay flat on the ground. Officer F stated he announced his office and yelled at him to stop. Officer F stated the subject then lay on the ground and he placed him in custody without incident. Officer F stated he stood at the subject's side while he handcuffed the subject's hands in the back. Officer F stated he yelled for assisting officers and they placed the second subject in custody. Officer F stated he did not remember which officers assisted in the arrest. Officer F stated he believes all the assisting officers were police officers wearing blue shirts, he did not recall there being officers in white shirts.

Officer F stated he was initially the only officer in the yard when he found the two subjects in the yard. Officer F stated he at no point saw any officer use excessive force. Officer F stated he believes he placed the subject in the red hoodie in custody. Officer F stated that he helped the subject to his feet and escorted him to the transport vehicle. Officer F stated that prior

¹¹ Attachment 47

to placing the subject in the transport vehicle, Sergeant A identified him as being one of the subjects fleeing from the stolen vehicle. Officer F stated Sergeant A did not have any other interaction with the subject. Officer F stated the subject did not say anything to him while being escorted to the vehicle. Officer F stated he did not see bruises on the subject and he did not seem like he was in pain. Officer F stated he transported the subject to the XXth District. Officer F stated the subject did not say he was in pain or ask to go to the hospital while he was being transported. Officer F stated that once at the station, he recalled all the subjects who fled from the stolen vehicle being placed in a bullpen together since they were juveniles and needed to be kept separate from the adults. Officer F stated all the subjects were laughing and joking around. Officer F stated none of the subjects complained of pain at the station or asked to go to the hospital. Officer F stated he did not recall Lieutenant A being present at XXXX S. Kenneth Avenue.

b. Digital Evidence¹²

No Body Worn Camera (“BWC”) or In-Car Camera (“ICC”) footage was found for Involved Civilian 1’s arrest on September 5, 2017.

Sergeant C’s **Body Worn Camera** footage from September 6, 2017, captures Involved Civilian 1 sitting in the lobby of Hospital with his grandmother Involved Civilian 2¹³. During the interview, there is visible swelling to Involved Civilian 1’s forehead. Sergeant C begins by asking Involved Civilian 1 if he got beat up by the police. Involved Civilian 1 is seen nodding his head in the affirmative. Sergeant C asks who beat him up. Involved Civilian 1 replies that he thinks it was a Sergeant, that the person was male, short, white, and wore a white shirt. Sergeant C asks Involved Civilian 1 what time the incident happened, Involved Civilian 1 replies that it was around 10:00 pm. Sergeant C asks Involved Civilian 1 if it happened when he was running from the stolen vehicle. Involved Civilian 1 tells Sergeant C that he was lying on the ground when the Sergeant pointed a gun at him and put him in handcuffs. Involved Civilian 1 states that after he was placed in handcuffs, the Sergeant punched and kicked him on the right side of his face. Involved Civilian 1 tells Sergeant C he did not know the name of the Sergeant. Sergeant C asks Involved Civilian 1 whether the Sergeant was the arresting officer and Involved Civilian 1 did not know but states he would recognize him if he saw him again. Sergeant C proceeds by taking down Involved Civilian 1’s personal information and explains the complaint process.

c. Physical Evidence

Hospital **Medical Reports** indicate that Involved Civilian 1 was treated on September 6, 2017

for an incident involving assault.¹⁴ Involved Civilian 1 stated he was hit and punched by a Chicago Police Department officer in the head and face on the previous night. Involved Civilian 1 further indicated the officer held him down by placing his foot on Involved Civilian 1’s face. Involved Civilian 1 complained of pain and a “knot,” on the left side of his head. Involved Civilian 1 was diagnosed with a closed head injury and contusions to the face and back.

¹² Attachment 33 contains BWC footage from the officers involved in the arrests on Kostner Avenue.

¹³ Attachment 18

¹⁴ Attachment 11

d. Documentary Evidence

Involved Civilian 1's **Arrest Report CB XXXXXXXX** indicates Involved Civilian 1 was a passenger inside a stolen vehicle and name check revealed an active investigative alert for robbery in which Involved Civilian 1 was positively identified as the offender that struck and stole the victim's bicycle.¹⁵ The arrest report further indicates that Involved Civilian 1 was charged with robbery and no tactical response report ("TRR") was completed. Additionally, there were three co-arrests made.

Arrest Report CB XXXXXXXX indicates the co-arrestee, Involved Civilian 4 ("Involved Civilian 4") was arrested at the same address and location as Involved Civilian 1.¹⁶ Officers B and F are listed as assisting arresting officers.

Office of Emergency Management and Communications ("OEMC") **Event Query Report # XXXXXXXXXX** indicates that a foot pursuit was in progress at approximately 10:26:37 p.m. westbound near Cermak and Kenneth Avenue.¹⁷ Sergeant B assisted on the call at 10:27:24 p.m. A description, of a male black wearing blue jeans and a hooded sweater, fitting Involved Civilian 1's description, was called over the air at 10:27:43 p.m. At 10:29:34 p.m. Sergeant B had one offender in custody and at 10:29:50 near XXXX S. Kostner Ave. a second offender was placed into custody. At 10:31:03, Officer G assisted on the call and at 10:35:41, he conducted a name check for one of the co-arrestees. At 10:39 p.m. a third offender was reported in custody.

VI. ANALYSIS

The burden of proof COPA uses in its analysis is the preponderance of the evidence standard. It is alleged by Involved Civilian 1 that a, "short, white, male, Sergeant," used excessive force by striking, kicking, and placing his knee about Involved Civilian 1's face and head. After an initial investigation, COPA sought and was granted an affidavit override against accused Sergeant A based on him being the arresting Sergeant listed on Involved Civilian 1's Arrest Report. After conducting a full investigation and thoroughly analyzing the evidence, COPA determined that the allegations against Sergeant A, were not based on the facts revealed through the investigation. The investigation revealed Sergeant A's interaction with Involved Civilian 1 occurred after he was already placed in handcuffs. Sergeant A's involvement in Involved Civilian 1's arrest consisted of identifying him as one of the fleeing subjects and of authorizing the Arrest Report. Moreover, Sergeant A does not physically match the description provided by Involved Civilian 1.

Evidence shows that on September 5, 2017, Involved Civilian 1 was arrested for robbery. Medical evidence shows that on September 6, 2017, Involved Civilian 1 was diagnosed with a closed head injury and contusions to the face and back. Involved Civilian 1 explained to the

¹⁵ Attachment 17

¹⁶ Attachment 49

¹⁷ Attachment 15

hospital staff and to Sergeant C that his injuries were due to a, “short, white, male, Sergeant,” using excessive force on September 5, 2017, during his arrest. While it is evident that Involved Civilian 1 was injured, it is unclear how he sustained the injuries.

Arrest Reports show that both Involved Civilian 1 and co-arrestee, Involved Civilian 4 were both found hiding in the residential yard at XXXX S. Kenneth Avenue. Officer F stated he was the first officer to enter the yard at XXXX S. Kenneth Avenue and observed two subjects hiding in the yard. Officer F described the subjects as wearing a blue and red hoodie. While Officer F is listed as the assisting arresting officer in the arrest of Involved Civilian 4, who is described as wearing a navy-blue hoodie with a white shirt and navy blue sweat pants,¹⁸ Officer F recalls arresting the subject wearing a red hoodie. During the interview of Officer F, he was shown a black and white photograph of Involved Civilian 1. In Involved Civilian 1’s color mugshot, however, he is photographed wearing a red hoodie.¹⁹ This evidence suggests that Officer F was the arresting officer who placed Involved Civilian 1 into custody.

After analyzing the facts against the evidence, COPA did not believe it was appropriate to serve Officer F with allegations of misconduct because he does not fit the description of the officer initially described by Involved Civilian 1 in his complaint. Involved Civilian 1 was clear when he related to Sergeant C at Hospital that the officer who used excessive force on him was a, “short, white, male in a white shirt.” Officer F is 6’0 ft tall and was wearing a blue shirt on September 5, 2017. Additionally, while Officer F recalls arresting a subject in a red hoodie, he is listed as the arresting officer for Involved Civilian 4. COPA could not determine with certainty that he did arrest Involved Civilian 1. Of the officers involved in the arrests on September 5, 2017, Lieutenant A matches the description provided by Involved Civilian 1. However, BWC and witness officers present at Kostner Ave. and Kenneth Ave., support that Lieutenant A assisted in the arrests at Kostner Avenue and was not likely present on Kenneth Avenue.

COPA made efforts to contact Involved Civilian 1 and Involved Civilian 4 to positively identify the officers who arrested them, but all attempts failed²⁰. Without further cooperation from Involved Civilian 1, COPA could not determine who arrested him. Furthermore, without further cooperation, it is difficult to determine if the allegations occurred. Officer E stated only he, Officer A, and two other officers were present at XXXX S. Kenneth Avenue. Officers E and F both recalled all officers being in blue shirts with the exception of Sergeant A and they both stated Sergeant A arrived after Involved Civilian 1 and Involved Civilian 4 were already in handcuffs. Moreover, all the officers who encountered Involved Civilian 1 stated he did not complain of pain or of being hit by an officer either on scene or at the station. Instead, Officer F recalls all four juveniles joking and laughing while in lock up.

For the aforementioned reasons, COPA recommends the finding of Unfounded in the allegations against Sergeant A.

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

¹⁸ Attachment 49

¹⁹ Attachment 58

²⁰ Telephone calls to Involved Civilian 2 9/6/17, 9/7/17, 9/8/17, 9/11/17, 10/13/17, 6/18/18; Telephone calls to Involved Civilian 1 9/11/17, 6/18/18 incorrect number message; Contact letter U.S. Postal 10/13/17; Involved Civilian 2 home visit 9/15/17, 8/26/18; Telephone call to Involved Civilian 3 (Involved Civilian 4’s mother) 9/11/18 incorrect number message.

Officer	Allegation	Finding
Sergeant A	<p>1. It is alleged by Involved Civilian 1 that on or about September 5, 2017, near the vicinity of XXXX S. Kenneth Ave. Chicago, Illinois XXXXX at approximately 10:34 p.m., Sergeant A used excessive force by striking Involved Civilian 1 about the head in violation of Rule 8.</p> <p>2. It is alleged by Involved Civilian 1 that on or about September 2, 2017, near the vicinity of XXXX S. Kenneth Ave. Chicago, Illinois XXXXX at approximately 10:34 p.m., Sergeant A used excessive force by kicking Involved Civilian 1 about the face in violation of Rule 8.</p> <p>3. It is alleged by Involved Civilian 1 that on or about September 5, 2017, near the vicinity of XXXX S. Kenneth Ave, Chicago, Illinois XXXXX at approximately 10:34 p.m., Sergeant A used excessive force by placing his knee on Involved Civilian 1's head while he was on the ground in violation of Rule 8.</p>	Unfounded Unfounded Unfounded

Approved:

COPA Deputy Chief Administrator – Chief

Investigator

Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	XX
Investigator:	COPA Investigator
Supervising Investigator:	COPA Supervising Investigator
Deputy Chief Administrator:	COPA Deputy Chief Administrator – Chief Investigator